



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JAN 25 2013

Ref: 8EPR-N

Kent Walter, Field Manager
Bureau of Land Management
White River Field Office
220 East Market Street
Meeker, CO 81641

Re: White River Field Office Draft Resource Management
Plan Amendment and Environmental Impact Statement
CEQ # 20120296

Dear Mr. Walter:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Bureau of Land Management's (BLM) White River Field Office Draft Resource Management Plan Amendment and Environmental Impact Statement (Draft RMPA/EIS).

As a recent addition to the cooperating agency team for this project, we appreciate the opportunity to continue to work closely with the BLM prior to the public release of the Draft RMPA/EIS. We also appreciate our discussions to date on this important action, particularly those involving air quality and water resources. These discussions have allowed us to work through a number of concerns regarding air and water resources during and after review of the cooperating agency draft document, and come to agreement on how to address them. It is evident from our review that the BLM put extensive effort into clarifying, adding detail to, and ultimately improving this draft. In providing the following comments, we remain committed to working with the BLM to seek ways to address them.

Background

The WRFO planning area includes approximately 2.7 million acres of BLM, National Park Service (NPS), U.S. Forest Service (FS), state and private lands in northwestern Colorado. The planning area includes the majority of Rio Blanco County and portions of Garfield and Moffat counties. The BLM administers approximately 1.5 million surface acres and 2.2 million subsurface acres of federal oil and gas minerals within the planning area. The EPA understands that this proposed amendment reflects the BLM's determination that oil and gas activity has increased substantially since the agency completed the 1997 White River RMP and the need to amend and update it. The exploration and development increases have occurred primarily in the Mesaverde Play Area (MPA). This area is located within the

Piceance-Yellow Creek watershed in the central portion of the WRFO planning area and encompasses approximately 600,000 acres. The Draft RMPA/EIS identifies that 92% of leasable acres within the MPA have already been leased.

Alternatives identified in the Draft RMPA/EIS include: Alternative A (no action alternative), Alternative B (emphasis on conservation), Alternative C – the Agency’s Preferred Alternative (emphasis on short-term use of the environment and long-term community function and ecological integrity) and Alternative D (emphasis on production of oil and gas reserves).

The EPA’s Comments and Recommendations

The following comments and recommendations focus on water resources and air quality. Given the extent of estimated potential development within the WRFO planning area combined with the high levels of existing development, the EPA is particularly interested in the BLM’s approach to ensuring protection of these resources. Along with an explanation of these comments, we offer recommendations on how the BLM might address them.

A. General:

Where possible and appropriate, and to avoid inconsistencies between mitigation requirements resulting from the application of state and federal management approaches, the EPA recommends that BLM provide operators the opportunity to use existing state required mitigations, control strategies, etc. to achieve compliance with mitigation measures in this RMP, provided that they are at least as protective and provided they can be demonstrated to be so by the operator. This general approach will help increase operating certainty, streamline regulatory compliance and reduce potentially overlapping and conflicting federal and state regulatory approaches.

B. Water Resources

Water Monitoring Plan for the Final RMPA/EIS

As noted in our comments during the cooperating agency review, we accept BLM’s invitation to work collaboratively to develop a long-term monitoring plan for groundwater and surface water for inclusion in the Final RMPA/EIS. We believe this is an excellent suggestion and are committed to completing this work with the BLM prior to the release of the Final RMPA/EIS.

Sole Source Aquifers (if designated in the future)

- Sole Source Aquifers are non-replaceable drinking water resources that the EPA formally designates under the Safe Drinking Water Act with input from the State. There are currently no Sole Source Aquifers designated within the area under the jurisdiction of the White River Field Office. The EPA recommends the following stipulations be included in the Final EIS to protect sole source aquifers in the event any are designated in the future: If leasing has not already occurred, No Leasing and no directional drilling within aquifer boundaries.
- If leasing has occurred, No Surface Occupancy over the footprint of the designated aquifer.

Water Resources Management Plan at the Project Level

As identified in our comments during the cooperating agency review, the EPA continues to recommend that BLM include in the EIS a requirement that future multiple-well oil and gas projects prepare project level NEPA and in doing so develop and implement a water resource management plan. We suggest that this plan present a concise description of the following:

- Predicted water consumption
- Planned produced water disposal methods (e.g., injection wells, evaporation ponds, surface discharge)
- Opportunities for and planned water recycling and reuse methods
- Planned water transport methods (e.g., use of trucks and/or pipelines)

Water Resources Management Plans have proven to be effective tools for managing and conserving water, as well as for mitigating impacts to stream flows, aquatic life, groundwater quantity and quality, and public and private drinking water supplies.

C. Air Quality

Funding of the Meeker and Rangely Air Monitoring Stations

The Draft RMPA/EIS identifies commitments regarding how the BLM plans to fund the existing air quality monitors in the planning area located in the towns of Meeker and Rangely. In Chapter 2, the document identifies that “the BLM will seek funding to continue operation of these monitors for a minimum of three years after the ROD is signed.” In Appendix J – Air Resources Management Plan, the document identifies that “BLM will continue to fund and operate BLM’s air monitoring stations located in Meeker and Rangely contingent upon continued funding.” Considering the extent of estimated potential development within the WRFO planning area combined with the high levels of existing development, the EPA recommends that the BLM commit in the DEIS to making this a high priority funding goal to acknowledge that such funding is essential to continue operating these monitors throughout the life of the RMPA/EIS, and that doing so is a key component to effectively understanding air quality impacts in the area.

Fugitive Dust Emissions Outside of the Mesaverde Play Area

The Air Resources Technical Support Document (ARTSD) identifies that the fugitive dust percent reduction assumed for collector, local and resource roads (84%, 84% and 80%, respectively) used in the air quality modeling were assumed for the entire planning area. However, the Draft RMPA/EIS identifies that these percentages for fugitive dust control would only be included as management actions inside the MPA (Table 2-1). The document identifies that collector, local and resource roads outside of the MPA would be required to achieve 50% fugitive dust control effectiveness. Since the higher percentages of fugitive dust control were assumed when BLM modeled the impacts for this NEPA document, the EPA believes the higher control levels must be required for all collector, local and resource roads in the planning area. Otherwise, the predicted impacts are understated

Editorial Correction

The statement on page 4-40 of the Draft RMPA/EIS regarding the phasing in of Tier 4 drill rig engines by 2015 includes an incomplete and confusing reference to future modeling conducted under Appendix J, Air Resources Management Plan, of this RMPA/EIS. We recommend this statement in

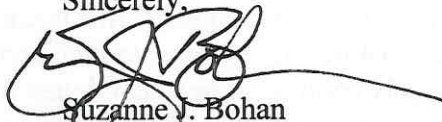
Chapter 4 be revised to match the corresponding statement in Chapter 2, Table 2-1 (Record 14), which states "By 2015, all new and existing drill rig engines would meet EPA generator set Tier 4 (or more stringent) emission standards. **Additional protection measures may be implemented to meet emission standards** based on future modeling conducted under Appendix J, Air Resources Management Plan, of this RMPA/EIS." [Emphasis added]

The EPA's Rating

Based on our review, the EPA is rating the Draft RMPA/EIS Preferred Alternative as "Environmental Concerns – Adequate Information" (EC-1). The "EC" rating means that the EPA's review has identified potential impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the Preferred Alternative or application of mitigation measures that can reduce these impacts. The "1" rating means that the Draft RMPA/EIS adequately sets forth the environmental impacts of all alternatives presented for the project. We have enclosed a description of the EPA's rating system for your convenience (Attachment 1).

We appreciate the opportunity to comment on this document, and hope our suggestions for improving it will assist you with preparation of the Final RMPA/EIS. We would be happy to meet to discuss these comments and our suggested solutions. If you have any questions or requests, please feel free to contact either me at 303-312-6925 or David Fronczak of my staff at 303-312-6096 or by email at fronczak.david@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suzanne J. Bohan', with a long horizontal flourish extending to the right.

Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

ATTACHMENT 1
U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

